



Ontario  
Ministry of  
Labour

Ontario  
Conciliation and  
Mediation Service

# Conciliation and Mediation

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## **Conciliation and Mediation Service**

The goals of the Ontario Conciliation and Mediation Service are to foster harmonious union-management relations and to minimize disruptions in the economy arising from strikes and lockouts.

These goals are pursued and frequently achieved through the operation of two major programs – conciliation/mediation and preventive mediation.\*

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### **Conciliation**

Parties unable to reach a settlement in direct negotiations are required, under the Labour Relations Act, to meet with an officer before they resort to a strike or lockout. In such circumstances, either party or both may file an application for conciliation services with the Minister of Labour.

Receipt of the application is acknowledged by the Deputy Minister and if there are no objections to conciliation by the respondent, conciliation is granted and a conciliation officer appointed.

If the respondent raises an objection to the appointment, the applicant is furnished with a copy of such objection and provided an opportunity to comment. However, in most cases an officer is appointed without undue delay.

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## Stages in the Conciliation Procedure

- The appointed conciliation officer confers with the parties and may schedule meetings as deemed necessary.
- If these meetings do not result in the settlement of all differences, the Minister may appoint a conciliation board on the recommendation of the conciliation officer or may decide that no board shall be appointed.

Conciliation boards are not appointed as a matter of course when the parties have failed to settle at the conciliation stage. The policy is to establish them only where the Minister has reason to believe the three-member board may be a more productive approach to settlement.

- If a board is not appointed the Minister so notifies the parties and a strike or lockout is legal after 16 days have elapsed from the date of such notification.

### *Note:*

In accordance with the Hospital Labour Disputes Arbitration Act, compulsory arbitration is required after a no-board report has been issued for all hospital disputes.

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## Mediation

This is an informal process in which the services of a mediator are made available to the parties at any point in negotiations following the no-board report.

The parties may request a mediator from the Conciliation and Mediation Service or the Service may initiate contact and offer the services of a mediator. If the request for a mediator has come when a strike or lockout is already in progress, the mediator will work toward a settlement to end the work stoppage.

While the techniques of mediation are similar to those of conciliation, the intensive nature of this assistance, the pressure of a deadline or on-going work stoppage and the personal persuasive abilities of the mediator are additional important factors.

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## Preventive Mediation\*

Preventive Mediation is defined as all efforts by the mediator, other than conciliation or dispute mediation, undertaken to improve union-management relations and to promote better understanding of the collective bargaining process.

The program involves providing assistance to management and labour in the development of their relationship and facilitating peaceful negotiations of collective agreements.

The following are some of the activities contained in this program:

*early pre-negotiation contract and mid-contract involvement;*

*joint action problem-solving:* assistance of the mediator in setting up and structuring a Joint Action Committee to address problems of mutual concern to the parties;

*relationship improvement program:* a three to four day seminar approach involving representatives of the parties committed to improving their everyday relationship to their mutual benefit. Based on the proven concepts of Relationships by Objectives (RBO) the parties, with the assistance of a team of mediators, identify, discuss and adopt common goals necessary to achieving a better working relationship;

*joint training:* a program provided by mediators for stewards and supervisors. The training program seeks to improve the communication between the parties at the supervisor-steward level by facilitating grievance handling and the resolution of everyday problems in the work place;

*consultation:* ad hoc consultation and advice to individual representatives of union and/or management, neutrals in dispute resolution or others on specific problems, issues or trends in labour relations. This activity also allows the mediator to maintain contact with the parties so that mediation assistance will be timely.

\*Write for Preventive Mediation booklet series.



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